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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

CV #: 01-5352

UNITED STATES OF AMERICA,  
Plaintiff,

) HON. Carol Bagley Amon  
) Claim No. C99-26986W  
)  
)  
)

v.

Theresa Lomax

Defendant(s),

and

CANARSIE Childhood Center, Inc.

Garnishee

**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.  
★ DEC 28 2005 ★

P.M. \_\_\_\_\_  
TIME A.M. \_\_\_\_\_

GARNISHEE ORDER

Upon the previously submitted affirmation of Liberator J. Iannarone, an attorney for the plaintiff, shows that a Writ of Garnishment, directed to the Garnishee, has been duly issued and served upon the Garnishee, or the Garnishee has voluntarily furnished us with employment verification. A copy of the Answer of the Garnishee, or the verification letter will be annexed, stating that the Garnishee had in its possession or his control personal property belonging to and due to the defendant, Theresa Lomax, and that garnishee was indebted to defendant, Theresa Lomax, as a result of the garnishee's employment of defendant Theresa Lomax.

The defendant, Theresa Lomax, was served with Notice of his/her right to a hearing to determine exempt property as provided for in Section 28 U.S.C., 3205(5) and has requested a hearing to determine exempt property. That said hearing was held before this court on December 15, 2005, and after said hearing.

Now, on motion of Mullen & Iannarone, P.C., attorneys for the Plaintiff, it is ordered that the Garnishee pay the sum equal to 590 % of the defendant's net disposable weekly earnings to the plaintiff, payments made payable to the U.S. Department of Justice, and continue said payments until the debt to the plaintiff is paid in full or until the garnishee no longer has custody, possession or control of any property belonging to the defendant, Theresa Lomax, or until further Order of the Court.

SO ORDERED;

Dated:

*[Signature]*  
UNITED STATES DISTRICT COURT JUDGE

mg

12-15-05

U. S. DEPARTMENT OF EDUCATION  
SAN FRANCISCO, CALIFORNIA

## CERTIFICATE OF INDEBTEDNESS

THERESA LOMAX  
5712 FARRAGUT RD APT 2C  
BROOKLYN NY 11234-120  
SSN: 090-60-7299

I certify that Department of Education records show that the borrower named above is indebted to the United States in the amount stated below plus additional interest from 12/12/05.

On or about 04/18/88 the borrower executed promissory note(s) to secure loan(s) of \$1,313.00 from First Independent Trust Company - Sacramento, CA at 8 percent interest per annum. This loan obligation was guaranteed by Great Lakes Higher Education Corporation and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 CFR Part 682). The holder demanded payment according to the terms of the note(s), and credited \$196.11 to the outstanding principal owed on the loan(s). The borrower defaulted on the obligation on 02/28/89 and the holder filed a claim on the guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$1,213.03 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. Pursuant to 34 CFR 682.410(b)(2), the guarantor charged the borrower interest on the total amount (principal and interest) paid to the lender. The guarantor attempted to collect the debt from the borrower. The guarantor was unable to collect the full amount due, and on 06/16/93, assigned its right and title to the loan(s) to the Department.

Since assignment of the loan, the Department has received a total of \$ 875.00 in payments from all sources, including Treasury Department offsets, if any. After application of these payments, the borrower now owes the United States the following:

Principal:	\$ 706.53
Interest:	\$ 651.78
Administrative/Collection Costs:	\$ .00
Late fees	\$ .00
Total debt as of 12/12/05:	\$ 1,358.31

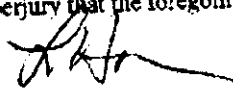
Interest accrues on the principal shown here at the rate of \$0.15 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on:

12/12/05

Name:



Title: Loan Analyst

Branch: Litigation Branch